

31165

AMENDMENT NO. ONE TO CONTRACT NO. 31165

RE: Renewal No. One of Contract No. 31165 (PA-01009) for Furnishing and Delivering LNG Fuel to the City of Long Beach (BPPW09000061)

This Amendment to Contract No. 31165 is made and entered as of June 15, 2010 by and between the CITY OF LONG BEACH, a municipal corporation, and **APPLIED LNG TECHNOLOGIES USA, LLC. (Contractor).**

Contract No. 31165 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- ☒ 1. 1st renewal option extending term to 07/01/2011.
- ☒ 2. \$ 1,000,000 has been added for 1st renewal
- ☐ 3. Prices during this period shall remain firm.
- ☒ 4. The price for certain items shall be increased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- ☐ 5. The price for certain items shall be decreased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- ☐ 6. The discount offered to the City is increased by ____ %.
- ☐ 7. The items or locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- ☐ 8. The locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby added to the Contract.
- ☒ 9. Current permits, licenses, insurance and other required information are enclosed as Addendum No. 1.
(Sent separately)

Except as expressly amended above, all terms and conditions in this Contract are ratified and confirmed and remain in full force and effect. Executed with all formalities required by law as of the date first stated above.

Attach Notary if Out-of-State Contractor

CONTRACTOR:

A. Bradley Gabbard
(Signature)

A. Bradley Gabbard
(Print / Type Name)

Vice President / CFO

President / Vice President / Secretary / Treasurer
(circle one)

CONTRACTOR:

Cem HACIOGLU
(Signature)

Cem HACIOGLU
(Print / Type Name)

President & CEO

President / Vice President / Secretary / Treasurer
(circle one)

THE CITY OF LONG BEACH:

Assistant City Manager

By:

[Signature]

City Manager

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.**

Approved as to form:

ROBERT E. SHANNON, City Attorney

By:

[Signature]
Deputy

EXHIBIT "A"
AMENDMENT NO. ONE TO CONTRACT NO. 31165
FURNISHING AND DELIVERING LNG FUEL TO THE CITY OF LONG
BEACH
LNG Pricing Provision Effective July 1, 2010

Current Pricing Provision:

Pricing fluctuates monthly based upon the average of the monthly indexes for "PG&E South" and "Southern California Gas Company", as published monthly in Platt's Inside F.E.R.C Gas Market Report.

Pricing Calculation is as follows (based upon June 2010 Gas Indexes):

Average Index Price (Socal--\$3.93; PG&E South--\$3.85; Average--\$3.89)

Gas price conversion to price/LNG gallon:	\$.3214
Liquefaction Charge	\$.3500
Shipping Expense	\$.1600
Total Price Per LNG Gallon	<u>\$.8314</u>

Proposed Pricing Provision (effective July 1, 2010):

The current contract variable pricing formula is proposed to remain unchanged, except as follows:

Liquefaction Charge to increase to \$.3675 per LNG Gallon, from \$.35 per gallon, due to general increases in Contractor's costs and expenses.

Revised price per LNG gallon based upon June 2010 Gas Indexes and the proposed Liquefaction Charge would be \$.8489 per LNG Gallon.

Proposed pricing to commence with deliveries on or after July 1, 2010.

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

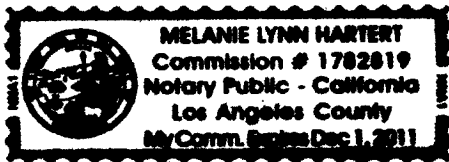
County of Ventura

} ss.

Subscribed and sworn to (or affirmed) before me on this

29th day of June, 2010, by
Date Month Year

(1) Cem Hacioglu,
Name of Signer



- ☒ Personally known to me
☒ Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(2) Alan B. Gabbard (and)
Name of Signer

- ☐ Personally known to me
☐ Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Melanie L. Hartert
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Amendment No. one to Contract No. 31165

Document Date: 6/15/2010 Number of Pages: 2

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER #2
Top of thumb here